EXTRACTS

FROM THE

RECORDS

AT THE

EAST INDIA HOUSE,

OF

PROCEEDINGS

RELATIVE TO

MR. FRANCIS FOWKE,

RESIDENT OF BENARES.

IN THE APPOINTMENT AND RE-APPOINTMENT OF HIM TO THAT RESIDENCY, AND HIS FIRST AND SECOND RECALL FROM THENCE.

UNIV. OF CALIFORNIA
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LONDON,

PRINTED IN MARCH, 1782.

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cent. on his expenditures, and permiſſion to draw for his preſent ſalary of 1000 *Rupees per month to the time he enters on the Agency and three months after.*

N. B. As the records of Council for January 1781, have not yet been received by the Court of Directors, the Extract No. XXVII. has been furniſhed by favour of Major John Scott, Agent for the Governor General in political Concerns.

N. B. As the records of Council for January 1788, have not yet been received by the Court of Directors, the Letter No. XXVII. has been furnished by favour of Major John Scott, Agent for the Governor General in political Concerns.

No. I.

Extract of the Proceedings of the Governor General and Council, in their Secret Department, Fort William, the 16th August, 1775. Present, the Governor General, General Clavering, Colonel Monson, Mr. Barwell, and Mr. Francis.

GENERAL Clavering moves, that a Company's servant be sent up to Benares, to carry with him the *Sunnuds* of investiture to the Raja from the Company, and to inform himself of the nature of the mint, the species of rupees that are coined in it, how much the person who farmed it paid to the Soubah of Oude, or to his ministers, in presents; as likewise with the nature of the cutwally, and what the advantages of it were to the person who farmed it; in order to make such a settlement with the Raja as may be equally advantageous to him and the Company.

Mr. Francis agrees to the motion.

Mr. Barwell. I looked upon the motion to be carried by the last resolution of the board, and that the choice of a person remains only to be determined. The Company, in the extra charges to which they have already been put, may have occasion to complain; and as œconomy and dispatch may be equally promoted, I beg leave to mention Colonel Main, the officer commanding at Chunar, as the most eligible person: little or no charges will be incurred by his just moving from Chunar to Benares; and, besides, he is the best qualified, from his local knowledge.

Colonel Monſon agrees to the motion of General Clavering.

The Governor General objects to this motion.

Reſolved, a covenanted ſervant be appointed to go to Benares, to take the *Sunnuds* of inveſtiture to the Rajah, &c. alſo to make the inveſtigations neceſſary to enable the board to come to a final ſettlement with the Rajah for that Zemindary.

General Clavering moves, that Mr. Francis Fowke be appointed to execute this ſervice; a young man exceedingly well qualified, from his knowledge in the Perſian tongue, and his unexceptionable good character.

Mr. Francis. I believe Mr. Francis Fowke to be perfectly qualified for the ſervice propoſed; and I agree to the motion.

Mr. Barwell. The unhappy differences that have prevailed at the board, the particular part which Mr. Joſeph Fowke has acted ſince the commencement of the new government, the particular predicament in which he ſtands at preſent, I am ſorry to obſerve, makes Mr. Francis Fowke, his ſon, the moſt improper nomination for a commiſſion of this kind that could have been thought of; nor can I conceive why it ſhould have been thought of, unleſs for the expreſs purpoſe of lowering the Governor General in the eyes of the Raja of Benares, as well as of all India, by the ſelection of this gentleman. I have no other objection to Mr. Francis Fowke. Was it in my power I would ſerve him, but not at the expence, or in degradation of the firſt character of the ſtate. I therefore wiſh that Mr. Francis Fowke's nomination may not be carried.

Colonel Monſon. I do not comprehend Mr. Barwell's chain of reaſoning, that the employing an unexceptionable Company's ſervant can be any degradation to the Governor General's conſequence or honour, or lower his dignity in the eyes of the public: had Mr. Francis Fowke been an exceptionable character, there might have been ſome degree of juſtneſs in Mr. Barwell's obſervation; but, as Mr. Barwell himſelf declares he wiſhes to ſerve him, I do not comprehend why

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he will not on this occaſion teſtify to Mr. Fowke this inclination. I believe Mr. Fowke to be qualified for this appointment, and therefore approve of the nomination.

General Clavering is for his own nomination.

The Governor General. I am not ſurprized at the motion now before the board: I expected it at the time in which it was reſolved, in contradiction to the former opinion of the board, to permit Mr. Joſeph Fowke to return to Benares. I conſider the preſent appointment as the appointment, not of Mr. Francis Fowke, but of Mr. Joſeph Fowke, whoſe influence over his ſon will reduce the authority of the latter to a mere ſhadow; I therefore diſapprove of the motion; I proteſt againſt it.

Agreed, that Mr. Francis Fowke be appointed to proceed to Benares, for the purpoſes already reſolved on.

Ordered, that inſtructions be prepared for him accordingly, with a letter of credence to Raja Cheyt Sing.

No. II.

Extract of a Letter from the Governor General and Council in Bengal, in their Secret Department, to the Court of Directors of the Eaſt India Company, dated 11*th September*, 1775.

Par. 10. IN our Letter of the 3d Auguſt, of which you will receive a duplicate by this ſhip, you are adviſed of the acquiſition of the territories of Raja Cheyt Sing to the Company, and of the ſteps which we had then taken towards ſettling with him for that Zemindary. On the 16th of that month we again took this ſubject into conſideration, and called the Vakeel before us, who had received an anſwer from his maſter to our firſt offer; but not being able to aſcertain from him the fineneſs and quantity of the ſilver of the Gourſhay Rupees, in which coin the tribute from the Rajah is to be paid, nor the exact amount which the late Farmers of the Mint and Cutwally at Benares, and the Cutwally at Juanpore,

pore, had paid annually to the Nabob and his Officers for the grant of thofe articles, we judged it neceffary to appoint a perfon to proceed to Benares, to make fundry local inveftigations into thefe and other points, to enable us to come to a final adjuftment with the Raja; and we accordingly appointed Mr. Francis Fowke. In the mean time, we agreed that the Raja fhould continue to pay at Benares the exact fum, and in the fame fpecies of rupees, as he had paid to the late and prefent Nabobs of Oude, that is to fay, 23,72,65612 Gourfhay rupees, exclufive of the Mint, Cutwally, and other articles, which the Nabob held in his own right.

No. III.

Extract of Bengal Secret Confultations, the 2d December, 1776. *Prefent, the Governor General, General Clavering, Mr. Barwell, and Mr. Francis.*

THE Governor General alfo moves, that Mr. Francis Fowke be recalled from Benares, and his commiffion annulled; the exprefs purpofes thereof having been accomplifhed.

Mr. Francis. I need not bring my opinion in writing upon either of thefe motions. To the firft I make no objection; but as to the recal of Mr. Francis Fowke, I know no motive for it; on the contrary, I am fatisfied that his prefence at Benares has been of fignal ufe in preventing the delays of the remittance of the tribute; and to my knowledge he has done nothing to incur the difpleafure of the board; I cannot therefore confent to his recal.

Mr. Barwell. The exprefs purpofes to which Mr. Fowke was firft appointed, were, the inveftiture of the Raja, and the fettling a mode for the remittance of his tribute: his commiffion ceafed the inftant the object of it

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was accompliſhed, and Mr. Fowke ought then to have been remanded to Calcutta; he holds no appointment, and therefore it cannot properly be ſtyled a removal. I aſſent therefore to Mr. Fowke's being called to the preſidency.

General Clavering. In regard to the recal of Mr. Fowke, and the annulling of his office, I cannot help conſidering it as a vindictive meaſure, couched under the appearance of public ſervice, and therefore diſſent to the motion.

Governor General. I agree to the motion.

Reſolved, that the motion propoſed by the Governor General be carried in the affirmative.

The following letter is accordingly written to Mr. Fowke.

To Mr. Francis Fowke.

Sir,

The objects propoſed by your appointment, to proceed to Benares, being now accompliſhed, we have thought it neceſſary to annul the commiſſion which was given you for that purpoſe: We therefore direct that you return to this preſidency immediately on receipt hereof.

We are, &c.

No. IV.

Extract of a Letter from General Clavering to the Court of Directors, dated 5th December, 1776.

THE reſtraint that I had laid on myſelf not to infringe further on the rules of the ſervice than was neceſſary, for the explanation of my conduct in the part I am obliged to take, gives way again to the obligation I feel myſelf under, in the ſtrict diſcharge of my duty, to acquaint you with ſome of the laſt tranſactions of the council after the departure of the Naſſau, as their being undertaken preciſely at that juncture ſeem s calculated to conceal, as long as poſſible, the information of them from your notice.

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The firſt ſubject is, the removal of Mr. Briſtow from the poſt of Reſident with the Vizier, and the re-appointment of Mr. Middleton. The next is, the recal of Mr. Francis Fowke from Benares.

Having annexed the entire conſultation on both ſubjects, I will forbear to make any reflections on the proceedings, leaving it to your honourable board to decide, how far the good of your ſervice has been conſulted in removing two gentlemen, who have each diſtinguiſhed themſelves; the firſt, in obtaining for the Company an addition of thirty lacks a year to their former revenue; and the ſecond, in re-eſtabliſhing the coinage of Benares, by means of which the exact amount of the ſubſidy is aſcertained, and then fixing the rate of the remittance on the moſt advantageous terms to the Company. As to Mr. Middleton's re-appointment, you yourſelves, gentlemen, as well as the proprietors, are too much intereſted in the ſupport of your own dignity, and too ſenſibly wounded in the ſtep taken to reſtore him to an office from which he had been diſmiſſed, after the ſolemn condemnation which you had given on his conduct for not ſubmitting his correſpondence to the ſupreme council, for me to mention and lay a ſtreſs on the little regard the chief of a council ſhews to the honour of a government over which he preſides, to recommend a ſervant to fill any poſt till he has made the ſatisfaction required of him, not only to the government in which he ſerves, but to his maſters and ſuperiors, on whom he ultimately depends.

No. V.

Extract of the Secret General Letter from Bengal, dated 22d December, 1776.

Par. 6. THE purpoſes for which Mr. Francis Fowke was appointed to proceed to Raja Cheyt Sing, at Benares, being now fully accompliſhed, we have annulled his commiſſion, and ordered him to return to the preſidency.

No. VI.

Extract of Bengal Secret Consultations, the 23d December, 1776. Present, the Governor General, General Clavering, Mr. Barwell, and Mr. Francis.

THE Governor General moves, that a civil servant of the Company be appointed to reside at Benares on the part of this government, for the purpose of transacting any occasional business which may arise between this government and the Raja of Benares; and that Mr. Thomas Graham may be nominated to this office, and Mr. Daniel Barwell to be his assistant.

Mr. Francis. If a civil servant was necessary for the purpose described in the motion, I conceive that Mr. Francis Fowke was perfectly well qualified for that office. I have no objection, however, to either of the gentlemen recommended by the Governor General.

Mr. Barwell agrees to the motion.

General Clavering. I object to it, and leave the responsibility of the measure with the Governor General, who must answer for it.

Resolved, that a civil servant of the Company be appointed to reside at Benares, on the part of this government, for the purpose of transacting any occasional business which may arise between this government and the Raja of Benares.

Agreed, that Mr. Thomas Graham be nominated to this office; and that Mr. Daniel Barwell be appointed his assistant.

No. VII.

Extract of the Secret General Letter from Bengal, dated 6th January, 1777.

Par. 11. WE have thought it proper to appoint a Company's servant to reside at Benares, for the purpose of transacting any occasional business that may arise between this government and Raja Cheyt Sing. This appointment has been given to Mr. Thomas Graham, and Mr. D. O. Barwell has been nominated his assistant.

No.

No. VIII.

Extract of the Company's General Letter to Bengal, dated 30th January, 1778.

Par. 65. IN your ſecret letter of the 19th of December, 1776, you inform us, that the purpoſes for which Mr. Francis Fowke was appointed to proceed to Benares being fully accompliſhed, you had annulled his commiſſion, and ordered him to the preſidency; but it appears by your letter of the 6th of January, 1777, that in leſs than twenty days you thought proper to appoint Mr. Thomas Graham to reſide at Benares, and Mr. Daniel Octavus Barwell to be his aſſiſtant.

Par. 66. If it were poſſible to ſuppoſe that a ſaving to the Company had been your motive for annulling Mr. Fowke's commiſſion, we ſhould have approved your proceedings; but when we find two perſons appointed immediately afterwards, with two ſalaries, to execute an office which had been filled with reputation by Mr. Fowke alone, and that Mr. Graham enjoys all the emoluments annexed to the office of Mr. Fowke, we muſt be of opinion, that Mr. Fowke was removed without juſt cauſe, to make room for Mr. Graham; and that the addition of Mr. Barwell's ſalary is a clear loſs of three hundred rupees per month to the Company.

Par. 67. As it was not pretended that Mr. Fowke's conduct had been exceptionable, as he had executed with the greateſt punctuality and exactneſs the like office to which you have now appointed Mr. Graham; and as the diſſent of Mr. Francis, and the proteſt of General Clavering, on the occaſion, had no effect, we think it proper to interfere; and therefore direct, that Mr. Francis Fowke be immediately reinſtated in his office of Reſident and Poſt-maſter at Benares; we however think proper to declare, that though we mean by this order to do an act of public juſtice, we by no means intend it as a mark of diſapprobation of the conduct of Mr. Graham, whom we believe to be a very deſerving ſervant of the Company.

No. IX.

Extract of Bengal Public Consultations, the 20th July, 1778. Present, the Governor General, and Messrs. Barwell, Francis, and Wheler.

READ the general letter, dated 30th January last, received from the Hon. the Court of Directors by the Grosvenor and Osterly.

Par. 65, 66, and 67. Governor General. I must request that the board will suspend the execution of this order. The spirit and intention of it is evident, and publicly known both in England and here. With these considerations in view, my consent to the recal of Mr. Graham would be adequate to my own resignation of the service, because it would inflict such a wound in my authority and influence, that I could not maintain it. In the course of a few days we may expect to hear of the resolutions which have been taken by our superiors, and of the appointments which have been made to fill the vacancy occasioned in this government, by the death of the late Sir John Clavering. These will be likewise decisive of my own situation in the service. I need not say more to urge the propriety of suspending the execution of this order of the Court of Directors. Mr. Thompson, in his letter from Marseilles, dated the 18th of April, mentions that a packet, containing the news of the General's death, had been dispatched to London from that port, from his Majesty's agent there, seven days before, and it is probable that the Swallow carried this intelligence earlier. We may therefore expect, that the Caranja, which was to depart from Suez immediately on receipt of the confirmation of the war, will bring us those decisive orders which I look for; and these may arrive to-morrow, or in the course of a very few days.

Mr. Francis. The Court of Directors order Mr. Francis Fowke to be *immediately* reinstated in his office.

To ſuſpend the execution of ſuch an order is to diſobey it. In another part of the ſame letter (par. 41) they ſay, "We can on no account permit our orders to be "diſobeyed, and our authority diſregarded." When the Company's orders to me are clear and poſitive, I do not deem myſelf at liberty to with-hold my obedience to them on any conſideration whatever; unleſs a new ſituation of affairs unknown to, and unforeſeen by, the Court of Directors, ſhould make it impracticable or dangerous to carry them into execution: I am therefore againſt the motion.

Mr. Wheler. I am of opinion that the order ſhould be immediately carried into execution.

Mr. Barwell. While Mr. Haſtings is in the government, the reſpect and dignity of his ſtation ſhould be ſupported. In theſe ſentiments I muſt decline an acquieſcence in any order which has a tendency to bring the government into diſrepute; as the Company have the means and the power of forming their own adminiſtration in India, they may at their pleaſure place whom they pleaſe at the head. But, in my opinion, they are uot authorized to treat a perſon in that poſt with indignity.

Reſolved, that the execution of this order be ſuſpended.

Mr. Francis. I beg leave to enter my diſſent to this reſolution.

No. X.

Copy of a Letter from Mr. Francis Fowke to the Secretary of the Superior Council in Bengal.

To J. P. Auriol, Eſq; Secretary to the Hon. the Superior Council.

Sir, Calcutta, 21ſt July, 1778.

MY friends in England having tranſmitted to me a notification in form, which they have received, importing, that an order of the Honourable the Court of Directors, for my inſtant re-appointment to the poſt of

of Refident at Benares, was tranfmitted by the Grofvenor, and a confiderable time being now elapfed fince the receipt of the packet, I humbly requeft of the Honourable Board, that I may be informed of any refolutions which may have paffed in confequence of the above order, and that I may be furnifhed with a copy of their proceedings upon the fubject.

I am, Sir,
Your obedient humble fervant,
FRANCIS FOWKE.

No. XI.

Copy of a Letter from the Secretary of the Superior Council, in Bengal, to Mr. Francis Fowke.

To Mr. Francis Fowke.

Sir,

IN confequence of your addrefs to the Hon. the Governor General and Council, requefting to be informed of any refolutions which may have paffed on the orders of the Court of Directors refpecting you, and to be furnifhed with a copy of the proceedings upon the fubject, I am directed to tranfmit you the enclofed extract of the confultation, 20th inftant.

Council Chamber, the 29th July, 1778.

I am, Sir,
Your moft obedient fervant,
J. P. AURIOL.

Extract of Confultation, 20th July, 1778.

Read the General Letter, dated the 30th January laft, received from the Hon. the Court of Directors, by the Grofvenor and Ofterly.

Par. 64, 65, 66, and 67. Refolved, that the execution of this order be fufpended.

A true extract.
J. P. AURIOL, Secretary.

No. XII.

Copy of a Letter from Mr. Francis Fowke to the Governor General and Council in Bengal.

To the Hon. Warren Haſtings, Eſq; Governor General, &c. Superior Council of Fort William.

Hon. Sirs,

I Acknowledge with great thankfulneſs your condeſcenſion, in conveying to me, through Mr. Secretary Auriol, the reſolution you have paſſed to ſuſpend the execution of the Company's order, dated 30th January, 1778, directing, that "Mr. Francis Fowke be immediately reinſtated in his office of Reſident and poſtmaſter at Benares." By this indulgence I have an opportunity afforded me of humbly remonſtrating againſt the ſeverity of your ſentence, which is nearly equal to diſmiſſion from the ſervice.

An order of the Court of Directors, made public only a few days ago, poſitively forbids any covenanted ſervant to return to England, under any pretence of obtaining redreſs there for injuries received here, without firſt making an appeal to them through the channel of the Preſident and Council abroad. The exiſtence of this order neceſſarily ſuppoſes that no covenanted ſervant can be diſmiſſed or ſuſpended from his offices in India without ſome previous trial, at leaſt ſome charge or ſome accuſation to which he may be ſuffered to reply. On any other ſuppoſition the Court of Directors can have no materials lying before them to conduct their judgment of his merits. I ſtand exactly in this predicament, and ſubmit to your candour to determine whether the caſe be not a hard one. I ſee a ſimple reſolution which ſuſpends me from my offices, and am left to gueſs at the cauſes which influence it. In ſuch a ſituation I cannot be free from anxiety. Conſcious of my own in-

nocence

nocence and integrity, I *will* hope that your juftice will relieve me. If there are any accufations laid againft me, let my accufers ftand forth; let me anfwer them face to face: I muft believe there are fome, becaufe I am confident your juftice would not permit me to be condemned on *no* grounds, however you might have miftaken them.

I am fenfible that my fituation obliges me to the moft perfect fubmiffion to your orders; yet, as my own honour, and that of my family, will not allow me to fit filent under a difgrace, it was a duty incumbent upon me to defend my reputation. In the offices I have filled, I have ftrictly adhered to my duty, and cannot charge myfelf with having ever been deficient in refpect to my fuperiors. The fame conduct I fhall ever obferve. If you find, on a candid examination, that the merit I lay claim to is my due, I truft that your Hon. Board will be pleafed to carry into execution the Hon. the Court of Directors orders, for my immediate reappointment to the offices of prefident and poftmafter at Benares.

I remain, with the greateft refpect,
Honourable Sir and Sirs,
Your moft faithful
and moft obedient fervant,
FRANCIS FOWKE.

Calcutta,
12th Auguft, 1778.

No. XIII.

Extract of the General Letter from Bengal, dated 17th Auguft, 1778.

Par. 25. WE have refolved to fufpend the execution of that part of your commands, dated 30th January laft, which relate to Mr. Francis Fowke, and muft beg leave to refer you to our records for the motives which fwayed with us in this inftance.

No. XIV.

Extract of Bengal Public Consultations, the 7th September, 1778. Present, the Governor General, and Messrs. Barwell, Francis, and Wheler.

READ a letter from Mr. Fowke. See No. XII.

Mr. Francis. I move, that the Secretary may be directed to inform Mr. Francis Fowke, that the board have no reason to be dissatisfied with any part of his conduct in the Company's Service, and that no charge has been preferred against him to the board.

Mr. Wheler. I agree to the motion.

Mr. Barwell. The board having already denied to Mr. Fowke the satisfaction he required, by ordering simply the resolution of the board to be furnished by the Secretary, I move the previous question.

Mr. Wheler and Mr. Francis against the motion.

Governor General. I am for the previous question. All applications of this kind are irregular. The board are not accountable to Mr. Fowke for their resolution respecting him. The reasons for suspending the execution of the orders of the Court of Directors contain no charge, nor the slightest imputation of a charge, against Mr. Fowke; but I see no reason why the board should condescend to tell him so.

The previous question being carried,

Resolved, that Mr. Francis's question be not put.

No. XV.

Extract of Bengal Public Consultations, the 1st April, 1779. Present, the Governor General, Messrs. Barwell, Francis, and Wheler, and Sir Eyre Coote.

MR. Francis. I move, that the 65th, 66th, and 67th paragraphs of the Company's general letter of the 30th January, 1778, and the proceedings of this board of the 20th July, 1778, be now read.

Read

Read the paragraphs 65, 66, and 67 of the general letter, dated the 30th January, 1778, and the proceedings of the 20th July, 1778.

Mr. Francis. I move, that the Company's orders, contained in the preceding paragraphs, be carried into execution; that Mr. Francis Fowke be immediately reinſtated in his office of Reſident and Poſt-maſter at Benares; and that Mr. Thomas Graham be ordered to deliver over charge of thoſe offices forthwith to Mr. Francis Fowke.

Governor General. I have expected this motion, and I expect many more of a ſimilar nature to be introduced by Mr. Francis, for the purpoſe of forcing the new member of this government to declare himſelf a party in diſputes in which he has no concern, and in which I will venture to expreſs my belief that it is not his wiſh to be involved. The order of the Company which has been read was addreſſed to this adminiſtration before Sir Eyre Coote was a member of it. It was alſo read, and a reſolution paſſed upon it, before Sir Eyre Coote's appointment. I preſume, therefore, to ſay, that it is irregularly brought before the board at this time. For though his voice may be now required, and may be given upon the motion, yet, as it reſpects the act of a former adminiſtration, and an act already done, the reſponſibility of that act reſts only with thoſe who conſtitutionally paſſed it, and ought not to be thrown upon him, unleſs he is deſirous that it ſhould be reviſed, and that he may participate in it. If our records are to undergo a new ſcrutiny, and every meaſure which they contain to be examined by the ſcale of the Company's orders, or by the judgment of the preſent adminiſtration, the time of the board will not ſuffice, even in a daily meeting of it, for ſo multiplied a reſearch, and for the debates which muſt neceſſarily accompany it. If this retroſpect is not to affect all the reſolutions and all the meaſures of the paſſed government, on what principle is a ſelection made of a queſtion which has its baſis in a party diſtinction, and is determinable only by party principles. The reſolution for ſuſpending the execution of the Company's orders on the

20th

20th July, 1778, was notified to the Court of Directors in our dispatches by the Eagle packet, dated the 17th August. Their answer may be received, and ought to be expected, before the period which the Act of Parliament has prescribed for the duration of this government. To prevent their orders, by an intermediate decision of a point of such magnitude referred to them, is neither, in my judgment, consistent with the respect which is due to their authority, nor with the actual state of this government, already oppressed with difficulties which demand the strenuous and united exertion of all its powers, and which it tends to throw into utter confusion; and for what! Let the person who made the motion say, what is the object of it. Is the reinstatement, as it is called, of Mr. Francis Fowke to an office which he never held, of such weighty consequence to the interests of the East India Company, and of the British nation in India, that for this the first executive member of their first government must be treated with insult, and either keep his seat, to be a partaker of a scene of anarchy and confusion during the short but momentous interval which remains of the power which we unitedly hold, or leave it and a government embarrassed with new and perhaps greater distractions?

I desire that the paragraphs of the general letter and the extract of our proceedings, which have been read, may be entered after the first motion made by Mr. Francis. I most earnestly recommend them to the serious attention and reflection of the other members of this board, and to those of the Commander in Chief most especially. I hope that the decision on this question will not be precipitated; that the consequences of it may be weighed, before an act so critical and decisive be irrevocably passed. I came unprepared for it, not ignorant, indeed, that it would be brought on at an early time, for the public voice has loudly announced it; but I did not expect to be surprized with it on a day, and in a department, devoted to business, from which this is entirely foreign. I therefore hope and request that the other members will suspend their decision until the next meeting of the board in the general department.

Mr.

Mr. Francis. The present question does not properly lie between the Governor General and me, but between this board and that authority which the legislature has placed over us. The propriety of waiting for farther orders, when we have positive orders before us, may at any time be pleaded with equal reason as at present and may as easily defeat any future orders, however peremptory, in confirmation of the past, as those which we have already received. The personal appeal made to Sir Eyre Coote obliges me to take this opportunity of assuring him, that I will never bring any question of this nature forward, in which it will be possible for a member of this board to take part against me, without at the same time taking part against the Court of Directors. As for the rest, I shall content myself with saying, that the Governor General has formed a very erroneous judgment of my intentions.

If the public voice has already announced my design to introduce the present motion, it is a strong presumptive proof of the public expectation and, as I think, of of their judgment upon the resolution which I propose to have reversed. As for myself, I declare upon my honour, and if there be that man living who can contradict me let him come forward, that I never did directly or indirectly, or by the most distant intimation, acquaint any person, not a member of this board, of my design to move the present question. As the Governor General expected it and as the question itself is of a very plain and simple nature, I think there is no ground for deferring the decision of it. At all events, I have done my duty and shall give the board no further trouble.

Sir Eyre Coote. Being called upon by my King and country to fill a post in this part of the world of the highest importance to the state, it was with the greatest diffidence I undertook that service, well knowing the great difficulties I had to encounter from the unfortunate differences which had arisen among the members of the Supreme Council. I therefore determined not to take a part in those differences, it being, in my opinion,

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the fureft method that I could devife of putting an end to them; and conceiving that any kind of retrofpect would prove fatal to my wifhes, was determined to prevent them as much as lay in my power, by bringing forward no matter, the decifion of which I was not immediately anfwerable for the confequences of; paying at the fame time implicit obedience to the orders of the Court of Directors, which I am determined to adhere to for my line of conduct. I agree to fufpend the decifion of the queftion till the next meeting of the Council in the general department.

Mr. Wheler. It cannot be confidered precipitate in me to give an immediate opinion upon the prefent queftion, my fentiments being already recorded. I therefore, to prevent the implication of giving a hafty opinion, defire leave to record my further fentiments at this meeting of the board.

Mr. Barwell. I feel much concerned on the prefent occafion. The forcing on a queftion on a matter that has paffed judgment, and which, if decided, muft be a confirmation or reverfion of that judgment, independent of the authority to which it is fubmitted, will, I fear, not tend to conciliate the differences of the board, which I flattered myfelf might have drawn to a period. The confequences are very obvious. I hope, however, the temper and moderation of Sir Eyre Coote will decide for terminating the diftractions which have hitherto prevailed. It is with great pleafure I obferve in the delivery of Sir Eyre's fentiments a refolution, fo decidedly expreffed, of confulting alone the honour and interefts of the government and fixing our councils, if poffible, to that particular point only. I am fo well aware of the confequences to refult from haftily deciding on an act of the adminiftration, under the prefent change in its circumftances in the arrival of Sir Eyre Coote, that I entirely concur in the wifh expreffed by the Governor General to fufpend the queftion.

Mr. Wheler. As the members of the board have not objected to my requeft of entering my opinion upon the

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main queſtion, I beg leave to do it in the following words; That, as I cannot diſcover, either in the minute entered by the Governor General, or in the 25th paragraph of our general letter to the Court of Directors of the 17th Auguſt by the Eagle packet, the ſhadow of an argument that can induce me to alter my former opinion, much leſs juſtify me in the diſobedience of a poſitive order from the Court of Directors, I am for the queſtion.

Reſolved, that the deciſion of the queſtion propoſed by Mr. Francis be ſuſpended until the next meeting of the board in this department.

No. XVI.

Extract of Bengal Public Conſultations, the 5th April, 1779. Preſent, the Governor General, Meſſrs. Barwell, Francis, and Wheler, and Sir Eyre Coote.

MR Francis's motion, recorded in the laſt conſultation, being now again taken into conſideration, Lieutenant-General Sir Eyre Coote delivers in the following minute.

Since the laſt meeting of the board in this department, I have had time to reflect very maturely upon the nature and tendency of the queſtion now depending.

In my former minute upon the ſubject, I declared the two ruling principles of my conduct to be, the deſire of avoiding every kind of retroſpect, and a firm reſolution to pay an implicit obedience to the orders of the Company.

And however difficult it may ſeem to reconcile an adherence to both under the preſent circumſtance, ſince, by paſſing an opinion on the queſtion I ſhould ſeem to ſwerve from the one, and by declining it to loſe ſight of the other, I yet flatter myſelf that the conduct which agrees with my own feelings will alſo meet with the approbation of this board.

 I declare

I declare therefore, that had I had the honour of a ſeat here at the time the Company's inſtructions reſpecting Mr. Fowke were received, I ſhould certainly have joined moſt heartily with thoſe gentlemen who were for putting them into immediate execution, as I ſhall ever do in regard to any future orders which may be given by the Company while I remain in the ſervice. But as the whole of this tranſaction paſſed before my arrival, and as the reſult of the laſt proceedings thereupon now lies before the Directors for their ultimate deciſion, I deſire to wave the giving any preſent opinion upon it and to reſerve my vote till their orders are received, when I ſhall moſt aſſuredly give it in ſupport of them.

Mr. Francis. The queſtion is, whether a poſitive order of the Court of Directors ſhall or ſhall not be obeyed. I ſuppoſe it is hardly neceſſary for me to ſay what my opinion is: I act in conformity to it in giving my vote for the queſtion.

Mr. Barwell. Mr. Francis muſt excuſe me if I cannot receive the queſtion as it ſtands explained by him: I apprehend no one who ſhall take the whole ſubject into his conſideration will allow it to be ſo compendious. It is not a queſtion on the Company's orders. However, I am willing to ſuppreſs the reflections that ariſe in my mind to the harmony of our future councils. I am againſt the queſtion.

The Governor General. It is unneceſſary to expreſs my further ſenſe of the queſtion, or the manner in which it has been concluded; I ſhall therefore only ſay that I am againſt the queſtion.

Mr. Francis's queſtion reſolved in the negative.

Mr. Francis. I beg leave to enter my diſſent and proteſt againſt the reſolution.

No.

No. XVII.

Extract of the General Letter from Bengal, dated the 22d April 1779.]

Par. 12. A Motion was made at one of our meetings, that the orders contained in the 65th, 66th, and 67th paragraphs of your general letter of the 30th January 1778, ſhould be carried into execution: The queſtion was reſolved in the negative; and we beg leave to refer you to our proceedings on this ſubject for your more particular information.

No. XVIII.

Extract of the Company's General Letter to Bengal, dated 14th May, 1779.

Par. 4. IN anſwer to the 25th paragraph of your letter of the 17th Auguſt laſt, reſpecting the appointment we aſſigned to Mr. Francis Fowke, we only remark, that as the conſultations are not yet before us, we muſt defer our deciſion on the ſubject and hope the reaſons which ſwayed you, ſo far as to induce you to ſuſpend the execution of a poſitive and peremptory order of the Court of Directors, will be found ſufficient to juſtify your conduct on that extraordinary occaſion.

No. XIX.

Extract of the Company's General Letter to Bengal, dated 27th May, 1779.

Par. 40. WE have read with aſtoniſhment your formal reſolution to ſuſpend the execution of our orders relative to Mr. Francis Fowke; your proceedings at large are now before us; we ſhall take ſuch meaſures

meaſures as appear neceſſary for preſerving the authority of the Court of Directors and for preventing ſuch inſtances of direct and wilful diſobedience in our ſervants in time to come. At preſent we repeat the commands contained in the 67th paragraph of our letter of the 30th of January 1778, and direct that they be carried into immediate execution.

No. XX.

Extract of Bengal Public Conſultations, the 27th February 1780. *Preſent, the Governor General, and Meſſrs. Francis and Wheler. Mr. Barwell indiſpoſed.*

READ the 40th paragraph of the general letter from the Hon. the Court of Directors, dated 27th May 1779.

Agreed, that Mr. Francis Fowke be appointed Reſident at Benares, in conformity to the intention of the Court of Directors; and that Mr. Thomas Graham be directed to deliver over the charge of that office to him on his arrival there.

No. XXI.

Extract of the General Letter from Bengal, dated 3d March, 1780.

Par. 46. WE have the honour to acquaint you, that in conformity to your laſt commands of the 27th May 1779, Mr. Francis Fowke has been appointed Reſident at Benares, and Mr. Thomas Graham recalled from the ſtation.

No. XXII.

Copy of an Addreſs to the Court of Directors from Lieutenant Colonel John Walſh.

To the Hon. the Court of Directors of the United Eaſt India Company.

East India Houſe, 2d January 1782.

Honourable,

I Yeſterday received a letter from Calcutta, informing me that my nephew Francis Fowke was, on the 12th January 1781, again diſmiſſed from his office at Benares, to which he had, not quite a twelvemonth before, returned in conſequence of your own expreſs orders, but which were not permitted to take place till reiterated in the ſtrongeſt terms; that his aſſiſtant Mr. Markham, certainly a moſt unexceptionable young gentleman and I believe by no one more eſteemed than by my nephew, was nominated in his room; and that the reverſion of the Agency for ſupplying the army with boats was intended for him, but as this agency could not take place till the September following, he would be permitted to draw for his uſual ſalary at Benares of 1000 rupees a month to that time and three months after. Leſt the favourable terms in which, as I underſtand, he is mentioned in the very minutes, by which he is removed from Benares, ſhould induce your Honors to ſuppoſe that he had acquieſced in the meaſure, I have to aſſure you from his neareſt relations in Calcutta, to whoſe knowledge it had come, that they conſider it as a ſevere injury and a great misfortune. I am informed that the public advices from Bengal do not reach to the time of this tranſaction, but I muſt nevertheleſs entreat, as I can produce indubitable proofs of its exiſtence, that the preſent diſpatch to India may convey redreſs to a

Servant,

Servant, I will prefume to fay of Merit, deprived of the office which you yourfelves exprefsly and repeatedly have confirmed to him.

I have the honour to be with Refpect,
Honourable,
Your moft obedient,
and moft humble fervant,
JOHN WALSH.

No. XXIII.

Extract of a Letter from the Governor General and Council to the Court of Directors, dated 3d February 1781, *received 4th January* 1782.

MR. Francis Fowke recalled from Benares and appointed Agent for the provifion of boats to the army after the expiration of the prefent contract. Mr. Markham appointed Refident at Benares.

No. XXIV.

Copy of an Addrefs to the Court of Directors from Lieutenant Colonel John Walfh.

To the Hon. the Court of Directors of the United Eaft India Company.

Chefterfield-ftreet, 23d January 1782.

Honourable,

AS the public advices to Bengal by the fhips now under difpatch are on the point of being clofed, I humbly requeft to know if my letter of the 2d inftant, concerning the Recal of my nephew Francis Fowke from Benares, has been taken into confideration; and whether

whether any and what redreſs your Honours have been pleaſed to order by this diſpatch to be made to him, on account of his removal from an office, to which he was appointed by expreſs orders from the Court of Directors, dated 30th January 1778; the execution, however, of which the government of Bengal thought proper to ſuſpend, on different pleas at different times, yet none impeaching the merit of Mr. Francis Fowke, until the arrival of reiterated commands from you, dated 27th May 1779, when he was permitted to proceed to Benares, according to your appointment. This was ſomething more than a year and a half after the receipt of your firſt orders for his immediate re-inſtatement as Reſident there, and more than three years after his firſt Recal from thence; all which time he was detained in Calcutta without employ, without appointments, without any recompence, not even the ſalary of his office made good to him. Whatever hope may be entertained of exacter obedience to the orders which you may be induced to give on this occaſion to the government of Bengal, I cannot avoid, as guardian to the juſt rights of my nephew, requeſting the interference of the Court of Directors in like manner as it was formerly granted by them, when the injuſtice of his firſt removal from Benares appeared manifeſt to them. A public letter from the goverment of Bengal, dated 3d February 1781, lately received, contains official information of his freſh Recal from Benares, and nomination to be Agent for the proviſion of boats to the army after the expiration of the preſent contract; alſo of Mr. Markham's appointment to be the Reſident in his room. If it is not evident on the face of this meaſure that it is arbitrary, in violation of your own appointment, and of ſerious detriment to both the character and fortune of Mr. Francis Fowke; if it is not evident that he could not have conſented to be deprived of a public honourable charge appointed by yourſelves, for the promiſe of a private, obſcure, and precarious office, unattended even with the lure of pecuniary advantage, the moſt convincing documents to demonſtrate it may be produced; but as Major John

 Scott,

Scott, lately arrived from Bengal, and acting here in behalf of the Governor General in his private concerns, did both converſe and correſpond with Mr. Francis Fowke on this ſubject, he can, and I doubt not but he readily will, ſatisfy your houourable Court, that theſe meaſures were taken without the conſent of Mr. Francis Fowke. It is equally evident, that public neceſſity was not the ground for the removal of Mr. Francis Fowke, for what public benefit could ariſe from diſplacing a ſenior ſervant, promoted to the office for his knowledge in the Perſian tongue and unexceptionable good charecter, and remarked by the Court of Directors to have executed it with the greateſt punctuality and exactneſs, and putting in his room a junior ſervant, of whoſe age, time of ſervice, experience in the affairs of Benares, and knowledge of the Oriental languages, you cannot but be well informed. Even the wretched plea of party neceſſity could not be urged at the time for the meaſure; for it is well known that when it took place, two parties did not exiſt in Bengal.

On theſe conſiderations your honourable Court cannot but ſee preſſing reaſons for giving ſubſtantial and early redreſs to an aggrieved ſervant, ſuffering in contempt of your own orders.

I have the honour to be with Reſpect,
Honourable,
Your moſt obedient,
and moſt humble ſervant,
JOHN WALSH.

No. XXV.

Copy of a Letter from the Secretary of the Court of Directors to Lieutenant Colonel John Walſh.

Sir,

I AM ordered by the Court of Directors of the Eaſt India Company to acquaint you that the two letters you addreſſed the Court, dated the 2d and 23d inſtant, are

are referred to the Committee of Correſpondence, and that the ſaid Committee have not yet come to any determination thereon.

I am, Sir,
Your obedient humble ſervant,
P. MICHELL, Sec.

Eaſt India Houſe,
29th January 1782.

Lieut. Colonel John Walſh.

No. XXVI.

Extract of the Secret General Letter from Bengal, dated 27th April 1781, received by the Bellmont, 5th February 1782.

Par. 46. MR. Francis Fowke having been recalled from his reſidency at Benares, and appointed Agent for the proviſion of boats to the army after the expiration of the preſent contract, We have appointed Mr. William Markham to that Reſidency.

No. XXVII.

Extract from Bengal Secret Conſultations, furniſhed by favour of Major John Scott, the original Records not having hitherto reached the India Houſe.

Conſultation, 14th January 1781.

GOVERNOR General. While this government is charged with ſuch extenſive concerns, and hath to contend with difficluties equal perhaps to thoſe in which even the ſupreme adminiſtration of the Britiſh empire is at this moment involved, it may at leaſt claim as a right which, under any other ſyſtem of government

that hath ever yet exifted, would be conferred on it as an indifpenfable obligation, to employ and exercife the powers which are inherent in its conftitution, and which are immediately neceffary to the fupport, and eventually to the exiftence, of thofe effential interefts which it holds in charge. On this principle I claim the right of nominating the Agent of my own choice to the Refidency of Benares: it is a reprefentative ftation and cannot, without a contradiction, be the charge of a man not preferably chofen to it by the members of the actual government, and holding it by an authority independent of of theirs. Speaking for myfelf alone, it may be fufficient to affirm that Mr. Francis Fowke is not my agent; that I cannot give him my confidence; that while he continues at Benares he ftands as a fcreen between the Raja and this government, inftead of an inftrument of controul; and that the Raja himfelf, and every chief in Indoftan, will regard it as the pledge and foundation of his independence.

To Mr. Fowke himfelf I have no perfonal objection. I approve his conduct and efteem his character; and I believe I might depend upon his exact and literal obedience and fidelity in the execution of the functions annexed to it. My objection is ftated above, and it is infuperable.

The perfon whom I have chofen to fucceed him I confider as ftanding in the fame degree of confidence and eftimation with Mr. Wheler as myfelf. I adopted him (if I may fo exprefs myfelf) from his family and patronage, and affigned him an office of the higheft truft near my own perfon with Mr. Wheler's approbation; and from a forefight of the event which has fince made us the copartners of this government, and which fuggefted to me the propriety of employing fuch Agents as would be agreeable to him while they poffeffed the other requifites for my own confidence,

I therefore think him on every confideration the fitteft to fill the office in queftion. I therefore move that Mr. Francis Fowke be immediately removed from the Refidency of Benares, and that Mr. Markham may be appointed to it in his ftead,

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While I thus acquit myſelf of what I conceive to be a a public duty, it is my deſire at the ſame time to indemnify Mr. Fowke from the conſequences perſonally attending it towards him. I therefore move that he be at the ſame time inveſted with the appointment of Agent for all boats to be employed for the military ſervice of this eſtabliſhment, with an allowance of a commiſſion of 15 per cent. upon all his diſburſements in this office; that the executive charge thereof take place from the period of the expiration of Colonel Morgan's preſent contract, and that till that time and for three months following it, he be allowed to draw his preſent allowance of 1000 Rupees per month.

I propoſe this method in preference to a contract, becauſe I am convinced from experience that the ſervice will be better performed by this alteration, although it is liable to one material objection in its natural influence in his expences. This is a defect which can only be corrected by the probity of the perſon who is intruſted with ſo important a charge; and I am willing to have it underſtood as a proof of the confidence which I repoſe in Mr. Fowke, that I have propoſed his appointment, in oppoſition to a general principle, to a truſt ſo conſtituted.

Mr. Wheler. I accede to the propriety of the Governor General's arguments, and think them particularly applicable to the preſent ſtate of this government. I am alſo highly flattered by the choice the Governor General has made of a Gentleman to fill this important ſtation, who was formerly under my patronage, and who is ſtill in my confidence. But as Mr. Fowke has not yet ſignified his willingneſs to accept of the compenſation propoſed to him in exchange for his preſent appointment, I muſt decline giving my aſſent to his immediate removal.

The Governor General's motion being agreed to, Reſolved, that Mr. William Markham be accordingly appointed Reſident at Benares, and Mr. Benn his aſſiſtant. Reſolved, that Mr. Francis Fowke be inveſted with the appointment of Agent for the proviſion of all boats to be employed for the military ſervices of this eſtabliſh-

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ment,

ment, with an allowance of a commiſſion of 15 per cent. upon all his diſburſements in this office, the executive charge of which is to take place from the period of the expiration of Colonel Morgan's contract, and that to that time, and for three months following it, he be permitted to draw the preſent allowance of 1000 Rupees per month.